

P. Review

Previous references.

Notifi. No. 219/1891 14-04-14 d/20-7-1907 File No. 14-18
No. 213-23/1891 14-04-15 d/6-1-1908 Serial Nos. 164

(*prio*)

Later references.

prio 81-18(1+2)
cto 230-25(1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 164

Part B for *March 1919.*

SUBJECT.

Question of treating the period spent outside the State by convict No 3073 Dasaappa of the B. C. Jail.

(1) *From, The J. G. of prisons.*

No 1271/13-08 d/7-8-1918

Refers to para 3 of his letter No 705/13-08 d/23-4-1918 & requests to know whether the period spent outside the State by the above convict count towards the sentence passed on him.

(4) *To, The J. G. of prisons.*

cto B 20120 d/8-3-19

Directs that the period spent outside the State by the prisoner Dasaappa may be counted towards the part of the total period of imprisonment he has to undergo.

GENERAL AND REVENUE SECRETARIAT.

(*Pris*)

NOTES.

File No. *14-1*

FILE HEADING.

*Question of breaking the period spent
outside the state by convict No. 3073
Lusappa of the B. G. Jail*

From

No.	Dated		Received
Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Rns 14 19 18-1

ROUTINE NOTES.

to be used only for notes, requisitions, etc. not intended for permanent record.

D. No. G- 2555

From Mr. J. G. of P. No. 1271/13-08 d/ 15. 8.

Refers to para 3 of his letter No. 705/13-08 d/ 25. 4. 1918 and requests to know whether the period spent outside the state, by convict No. 3073 Dasappa, counts towards the sentence passed on him.

In accordance with para of Notifu No. G. 219- Leg. 14-04-14 d/ 20. 7. 1907 the period in question does not count as sent inasmuch as it is expressed therein 'that the sentence shall be deemed to be suspended until the date of the re-render from British India to Mysore.' &c.

2) Draft of a reply on the same lines is sub for approval.

15/8

Sd/-

N. B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

GRSM. 592

3) The convict in question was sent to Andampalle to give evidence & not for

Serial
No.

intradition, offence. It is being
for consideration whether the
notification of 20-7-1907 can
be applied to the present case.

15/8. 4) under ^{paragraph 2} the notification of 1907, the
sentence shall be deemed to be suspended until
the date of resurrender. This portion of the notification
has not been modified by the subsequent notification
of 1908. Hence the draft may be approved.

ES
28/8

Chief Secy)

5) I shall be glad if Mr. Bailey discuss
the case with me in person.

CM
31/8

6) The existing orders on this subject
do not apply to the case. The Durbar is
not bound to send the prisoner for giving
evidence as the existing orders do not
cover the case. Having known ^{Dr. Ha} ~~Dr. Ha~~
sent the prisoner and got him back, he may
not be considered as having been in
the custody of the Durbar, the period has
as part of his period of imprisonment.

ES
16/11

Chief Secy)

First Member) I shall be glad to know
what the view of the Ch. Secy
is regarding the period with the
3.11 -

2120
30.11

Serial
No.

9) This was
not clear when
the pt came to me
in the first instance
17/12/18

382
13-12-18

233/
16/12/18

8) The asst secy's note of 16/12/18
is ~~the~~ represents the view we arrived
at after personal discussion. I
agree in the suggestion made therein

1st member)

18/12/18

13/12/18

10) The previous order of 12/12/18
which was into, ~~the~~ ^{has} been
in force to be in force
for the period - he was
latter out - in 1918.

I think the period may
be increased

16/12

2nd member)

14/12/18

11) I agree in the view above. But in
order to give effect to it, a G.O is necessary
for unless the existing order is amended
action cannot be taken accordingly. The
amendment with, I think, have to receive
His Highness's approval, before it can be made

17/12/18

12) It is submitted that no
general order modifying the
P.T.

Serial
No.

existing notification seems necessary. As a general rule^a convicts should not be sent to British India except in the case where ~~they are~~ ^{he is} charged with an extraditable offence in Br. India and ~~he~~ ^{he} undergo sentence here for an extraditable offence.

13) In the present case an initial mistake was committed in sending him for give evidence. To rectify the same, a G.O. deducting the period of absence from the period of imprisonment he has to undergo seems ~~enough~~ ^{enough} & it is submitted for approval or other orders.

14) The above note has been prepared under the instruction of the Chief Secy.

SG
6/1/19.

G.M.
6.1.19

Temp. Member

15) Would not the prisoner have been entitled to deduction if he was taken before court?

Serial
No.

in the State held to give evidence

H. M.

9/1/19

16) Draft a letter to the Jail
Supt. asking him ^{in complete} ~~whether~~ ^{of imprisonment} whether the terms of persons
sent to give evidence in
cases tried by the State
Courts ~~is included~~ ~~and~~
periods spent by them out
of ~~State~~ jail are or are
not taken into account
& to (2) to ~~give~~ quote the
authority under which
the procedure now follows
is based.

S. P. S. H.
10-1-19

17)

Subd with a draft.

S. P. S. H.
11/1
10/1

18) Issue
S. P. S. H.

11-1-19

2

Do see S & P Prison

no 9 14596

SE 18-1-1919

Calls for information on the
above points

NOTE—Contn. sheet.
20 JAN 1919

Serial
No.

3

From

The S.G. of Prisons, no. $\frac{421}{15-08}$ of 13.2.19

With reference to 812 regarding certain particulars of Contract no 3073 as a sponsor of the Central Jail, Ben, forwards a copy of letter no 125/7.5 of 12.2.19 to the Supt. of the Jail

19) The Supt. states that, in computing the terms of imprisonment of prisoners sent to give evidence in cases tried by the State Courts, periods spent by them out of jail, are taken into account and it is based on the practice in vogue in my former jails as in the case of prisoners under orders of sentence where the period, if passed in jail is taken into account and that the prisoner will have to be released on the 18th July 1919 if the period spent by him outside the State is taken into account.

20) May the dt 9.0 already submitted for approval issue.

S. J. 686
1912 1916

21) Subd with this info call for in para 15. If approved, the draft reply will issue.

DDM.
22/1

Temp (Member)

22) Gov. has principle is that although he is not a free agent, he must be

Serial
No.

denied ~~Ward~~ ^{Ward} ~~imprisonment~~ ^{imprisonment} ~~in~~ ⁱⁿ
~~prison~~ ^{prison} ~~for~~ ^{for} ~~the~~ ^{the} ~~same~~ ^{same}

W. M. C. S.

23/2

J. M. C. S.
12/2

To the S. G. & Prisons

no 20120

8th Dec. 1919

Directs that the period
spent outside the State by the
Prisoner Dasappa may be counted
towards the part of the total period
of imprisonment he has to undergo.

Pris. 3]

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS IN MYSORE,

No. 1271
13-08Dated Bangalore, 14 August 1918

DIARY No.

FROM Rajākaryapravina Rao Bahadur,

T. V. Arumugam Mudaliar, Esquire, M.B., C.M.,

Inspector-General of Prisons in Mysore,

Bangalore.

To

C. S. Balasundaram Iyer, Esquire, B.A.,

Chief Secretary to the Govt. of H.H. the Maharaja of
Mysore,
Bangalore.

SIR,

In inviting the favour of a reference to para 3 of my letter No. 705/13-08 dated 23rd April 1918, I have the honor to request that you will be so good as to let me know whether the period spent outside the State, by Convict No. 3073 Dasappa referred to therein may be counted to-wards the sentence passed on him. The prisoner is reported to have returned to the Bangalore Central Jail from Madanapalli whereto he had been sent for production before the Stationary Sub-Magistrate to give evidence in a case.

I have the honor to be,

Sir,

Your most obedient servant,

W. V. Arumugam
For Inspector-General of Prisons.
(Absent from Station).

FROM

THE INSPECTOR-GENERAL OF
PRISONS IN MYSORE,
BANGALORE.

TO

*The Chief Secy to
Govt of Mysore*

Dated

7th August 1918

Despatched

Madam

Received

11269

General No.

1271

No.

13-08

Enclosure No.

8

AUG 1918

*Requests to intimate
whether the period spent
outside the State by Con
No 3073 Dasappa of the
B. Jail, who had
been sent to Madras
to give evidence in
case before the Shy
Magr, Courts toward
the sentence passed
the said prisoner.*

3.30
3.30
3.30
JUL 11 1918
10 AUG 1918

SUBJECT.....

Diary No. of letter replied to.....²⁵³⁵

Section Prisons

File No. 14-18

Serial No. 2

GENERAL AND REVENUE SECRETARIAT,

(Prisons)

, the

191

No.

Date of issue.....¹⁸⁻

To

The D. G. of Prisons

Mysore

Signed by.....^H

Sir,

With reference to your letter No. 1271/13-08 & 17th Aug 1918, requesting ~~orders~~ as to the treatment of ~~informed~~ whether the period spent outside the State by convict No. 3073 Dasappa ~~is to be counted or not towards~~ his term of imprisonment ~~the sentence passed on him~~ in counting

I am directed to request you

over.

10
11

you to be so good as to state
furnish information on
the following points: -

- 1) Whether in computing
the terms of imprisonment
of ^{prisoners} ~~persons~~ sent to give
evidence in cases tried
by the State Courts, periods
spent by them out of jail
are or are not taken
into account.
- 2) ^{to quote} Authority under which
the procedure now followed
is based, and
- 3) When will the man Giuseppe
have to be released, if the
period spent by him
outside the State is
taken into account.

List of enclosure

I have & C

amst

For Chief Secy

Copied by

Examined by

Stk
u/1
wl

Pris. 2]

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS IN MYSORE,

No.

Dated Bangalore, 13th February 1919.

1919

FROM

Rajakaryapravina Rao Bahadur.,

58517

T.V. Arumugam Mudaliar, Esquire, M.B., C.M.,

Inspector-General of Prisons in Mysore,

Bangalore.

To

C.S. Balasundaram Iyer, Esquire, B.A.,

Chief Secy. to the Govt. of H. H. the Maharaja of Mysore,

~~0200000000~~

B a n g a l o r e .

SIR,

In reply to your letter No. G. 14596/Pris 14-18-2 -
dated 18th January 1919, requesting certain particulars regardi
convict No. 3073 Dasappa of the Central Jail, Bangalore, I have
the honor to enclose herein a copy of letter No. 125/F.5 dated
12th February 1919, from the Superintendent of that Jail, who -
furnishes the information required by Government in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

T. V. Arumugam

Inspector-General of Prisons

*From
14-2-19
4-45
10-11-19*

FROM

THE INSPECTOR-GENERAL OF
PRISONS IN MYSORE,
BANGALORE.

To

Chit
THE SECRETARY TO THE
GOVERNMENT OF ~~MYSORE,~~
~~DEPARTMENT.~~

Dated

Mysore,
13th July 19
Bangalore

Despatched

do

Received

General No.

421

No.

13-08

Enclosure No. *One-*

SUBJECT

Furnishes certain particulars called for by Court regarding Convict Dasappa No 3037 of B. C. Jail.

Letter No. 125/F5 dated 12th February 1919, from the Superintendent, Central Jail, Bangalore, to the Inspector-General of Prisons in Mysore.

In reply to your Memo No. 201/13-08 dated the 22nd January 1919, asking for certain particulars regarding convict No. 3037 Dasappa of this Jail, I have the honor to state that in computing the terms of imprisonment of prisoners sent to give evidence in cases tried by the State Courts, periods spent by them out of Jail, are taken into account and it is based on the practice in vogue in Mysore Jails.

2. As during such periods prisoners are not considered as being out of Jail taking the meaning of the word "Prison" as defined in Section 3 of the Prisons Act into consideration, this practice, I think, is justified, as is in the case of prisoners under suspension of sentence where the period if passed in Jail is taken into account. Vide Sec 222 Cl 2 (a) of the Mysore Jail Manual.

3. The prisoner will have to be released from the Jail on 22nd July 1919, if the period spent by him outside the State is not taken into account, otherwise on 18th July 1919 (deducting 12 days remission earned).

" C o p y "

Dr. V. V. V. V.
Inspector-General of Prisons.

13/2/19

2b SUBJECT..... Question of whether the period spent outside the State by Communist Desappa may be counted towards the sentence passed on him.

Diary No. of letter replied to 2553

Section *Dis*
File No. *4-18*
Serial No. *4*

General and Revenue Secretariat

Proceedings of the Government of
His Highness the Maharaja of Mysore.

, the 191

Date of issue.....

Read.— Correspondence

Signed by.....

ending with letter No

1271 D. 7th. Aug 1904
-13-08

from the G. R. of Prisons
in Mysore, requesting

to be informed whether
the period spent ^{outside the} by

Commist No. 3073 Das

Order Thereon:— No.
~~outside the State is~~

counted or not towards
the sentence passed
on him

over.

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette
English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette
Kannada part?

20/11/13

20/11/13

Order No - 720120.

Cont. are pleased
to direct that the period
spent, outside the
State, by the prisoners
in question, ^{may be counted towards the} ~~shall form~~
part of the total
period of imprisonment
he has to undergo.

(Suzier. 12.12.12)
To 22/12

20 ~~Chief Secy to Govt~~
The D. & of Prisons in
Mysore.

List of enclosures.

Copied by

Examined by